

## REMARKS

The claims are claims 1 and 4.

Claim 1 is amended. Claims 2, 3 and 5 to 18 are cancelled. Claim 1 is amended to incorporate subject matter previously recited in cancelled claims 2 (optimizer producing optimized intermediate code) and 3 (linker produces executable code).

Claims 1, 4, 8 and 11 were rejected under 35 U.S.C. 102(b) as anticipated by Burch U.S. Patent No. 6,308,320.

Claim 1 recites subject matter not anticipated by Burch. Claim 1 recites "a compiler that receives source code and generates an object file comprising object code and intermediate code." The OFFICE ACTION cites compiler 107 illustrated in Figure 3A of Burch as producing intermediate code 122 and object code 120 citing column 8, lines 36 to 40. The Applicants respectfully submit that this view of Burch is incorrect. Burch teaches that compiler 107 generates intermediate code 122. Burch states at column 3, lines 38 to 40:

"A source compiler 107 may generate intermediate code 122 by processing source code 118."

Burch states at column 8, lines 5 to 8:

"A source compiler 107 processes a source code file 118 and thereby transforms the source code file 118 into an intermediate code file 122."

Burch clearly states that object code 120 is produced by another structure than the compiler recited in claim 1. Burch states at column 3, lines 55 and 56:

"An intermediate code generator 113 creates object code files 120"

Burch states at column 4, lines 41 to 46:

"The present embodiment includes an optimizer 109 that generates object code 120 that includes optimization changes which may be dependent on a particular computer system 100. Further, these system-specific changes allow the optimizer 109 to generate object code 120 that is highly tailored to optimally run on a specific computer system 100."

Burch states at column 6, lines 15 to 19:

"The compilation system 108 may include the optimizer 109, the intermediate code generator 113 including the compiler tool 102, the linker 112, the loader 115, the libraries 114, and the source compiler 107."

Thus Burch clearly teaches source compiler 107 is a different structure than optimizer 109 and intermediate code generator 113. Accordingly, Burch fails to teach that the compiler generates both object code and intermediate code as recited in claim 1. Burch teaches these outputs are generated by differing structures. Accordingly, claim 1 is allowable over Burch.

Claim 1 recites further subject matter not anticipated by Burch. Claim 1 recites the linker "receives the object file comprising object code and intermediate code." The OFFICE ACTION cites linker invokes 304, linker 112, intermediate code generator 113, intermediate code 122 and column 8, lines 8 to 11 as anticipating this subject matter. Burch states at column 8, lines 8 to 11:

"As shown in element 304, the linker 112 invokes an the intermediate code generator 113 that operates on the intermediate code file 122, which may include an intermediate code stream 202."

The Applicants submit that this portion of Burch teaches that linker 112 invokes intermediate code generator 113. This means that linker 112 uses intermediate code generator 113 and triggers its operation. Thus this action is not performed by linker 112 but by intermediate code generator 113. Thus this disclosure of Burch is not relevant to the recited limitation. Further, this limitation recites the linker receives both object code and intermediate code. As shown in Figure 3A intermediate code generator 113 does not receive object code as claimed in claim 1 but receives only intermediate code 112. Accordingly, claim 1 is allowable over Burch.

Claim 1 recites still further subject matter not anticipated by Burch. Claim 1 recites that the linker "provides the intermediate code to the code optimizer." The OFFICE ACTION cites linker invokes 304, linker 112, intermediate code generator 113, intermediate code 122 and column 8, lines 8 to 11 as anticipating this subject matter. However, there is no signal path between linker 112 and optimizer 109 illustrated in Figure 3A of Burch. Further, the OFFICE ACTION fails to cite any teaching of Burch that linker 112 passes any information to optimizer 109. Accordingly, claim 1 is allowable over Burch.

Claim 4 recites subject matter not anticipated by Burch. Claim 4 recites "the linker sends only portions of the intermediate code to the code optimizer." The OFFICE ACTION cites linker invokes 304, linker 112, intermediate code generator 113, intermediate code 122 and column 8, lines 8 to 11 as anticipating this subject matter. As noted above Burch fails to teach any manner in which linker 112 sends intermediate code to optimizer 109. Accordingly, Burch fails to anticipate the sending of only portions of the intermediate code to the optimizer. Thus claim 4 is not anticipated by Burch.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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